106TH CONGRESS
1ST SESSION

S. 683

To amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal.

IN THE SENATE OF THE UNITED STATES

MARCH 23, 1999

Mr. BRYAN (for himself and Mr. REID) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Independent Spent Nuclear Fuel Storage Act of 1999''.

SEC. 2. TABLE OF CONTENTS.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Commission'' means the Nuclear Regulatory Commission; and

(2) the term ''Secretary'' means the Secretary of the Department of Energy.

SEC. 4. FINDINGS.

The Congress finds that—

(1) approximately 35,000 tons of spent nuclear fuel is currently stored at commercial nuclear reactors across the nation;

(2) the deep geologic high-level radioactive waste and spent nuclear fuel repository envisioned by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) has not been constructed in time to permit the Secretary to receive and accept high-level radioactive waste or spent nuclear fuel as contemplated by sections 123 and 302 of that Act (42 U.S.C. 10143, 10222), with the result that the Secretary will be unable to perform contracts executed pursuant to section 302(a) of that Act with persons who generate or hold title to high-level radioactive waste or spent nuclear fuel;

(3) there have been no orders for the development or construction of civilian nuclear power generating facilities since the enactment of the Nuclear Waste Policy Act of 1982; several such facilities that were anticipated when the Act was enacted are not operating now;

(4) it does not now appear that a deep geologic high-level radioactive waste and spent nuclear fuel repository will be available before the year 2010 or later;

(5) by the time a deep geologic repository is available many currently operating commercial nuclear reactors will need spent fuel storage capacity beyond the maximum now available in at-reactor spent fuel storage pools; nuclear utilities have spent and will spend major sums to construct facilities, including dry cask spent fuel storage facilities, for use in the interim before a deep geologic repository is available;

(6) the sums spent for the purposes described in paragraph (5) are the same funds that commercial nuclear utilities intended to contribute to the Nuclear Waste Fund established by section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c));

(7) the technology for long-term storage of spent nuclear fuel, including the technology of dry cask storage, has improved dramatically since the enactment of the Nuclear Waste Policy Act of 1982, and is currently licensed by the Commission and in operation in ten sites throughout the country;

(8) the existing statutory jurisdiction of the Commission, under the Atomic Energy Act of 1954 (42 U.S.C. 2001 et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), Executive Order 11834 (42 U.S.C. 5801 note), the Nuclear Regulatory Commission Reorganization Plan No. 1 of 1980, and the Commission's various authorization Acts includes the jurisdiction to review and evaluate the spent fuel storage capability of commercial nuclear utilities that hold or seek licenses to receive and possess nuclear materials from the Commission;

(9) commercial nuclear utilities that hold licenses to receive and possess nuclear materials are generally well suited to maintain the institutional capability necessary to become stewards of spent nuclear fuel during a period of interim storage; and

(10) the increased radioactive decay that will occur in spent nuclear fuel that has been stored for interim periods prior to deliver to the Secretary pur-

suant to section 123 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10143) will ease and facilitate its subsequent handling, transportation, and final disposal.

SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT OF 1982.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222) is amended by inserting at the end thereof the following new subsection:

''(f)(1) Persons holding contracts under this section may, through credits on fee payments under subsection (a)(2), offset the expenses of providing storage of spent fuel the Secretary would have accepted if a facility was available and until the date of the Secretary's first acceptance of that person's spent fuel at a storage or disposal facility authorized by this Act.

''(2) The credits described in paragraph (1)—

''(A) shall be deducted from each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in an amount determined by the Secretary to reflect the cost of storage qualifying under subsection (f)(1).".

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